

Attorney Docket No.: 0081-001 (c)

3-14-05

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Dominic Cerrato

Serial No.: 10/757,320

Group Art Unit:

Filed: January 14, 2004

Examiner:

For: **FLEXIBLE INTERLOCKING WALL SYSTEM**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

Attention: Office of Petitions  
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

It is respectfully requested that a Petition under 37 CFR § 1.83 to waive rule 37 CFR § 1.78 (a) (4) be granted to maintain

1. Petition Fee

(X) Small entity-fee \$750.00 (37 CFR 1.17 (m)). Applicant claims small entity status. See 37 CFR 1.27.

( ) Other than small entity-fee \$ \_\_\_\_\_ (37CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Response to a Notice of Missing Parts:

( ) has been filed previously on \_\_\_\_\_.

( x ) is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

( ) has been paid previously on \_\_\_\_\_.

( ) is enclosed herewith.

03/16/2005 EABUBAK1 00000085 10757320

01 FC:2453  
02 FC:2814

750.00 OP  
65.00 OP

3. Terminal disclaimer with disclaimer fee

(x ) Since this utility/plant application was filed on or after June 8, 1995, no terminal is required.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional.

5. Checks in the amount of \$750.00 and \$65.00 are attached.

6. Should any additional funds be needed, please draw from deposit account no. 7154.



Robert G. Lev, 30,280

Date: March 11, 2005

Customer No. 45270

Lev Intellectual Property Consulting

4766 Michigan Boulevard

Youngstown, Ohio 44505

Telephone: (330) 759-1423

Facsimile: (330) 759-4865

Enclosures:

(x ) Fee Payment

( x) Reply

( ) Other: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:  
COMMISSIONER OF PATENTS, PO BOX 1450, ALEXANDRIA,  
VA 22313-1450, ON 03/11/05

LABEL NO. ER 424903505US  
NAME Amanda E. Ramos  
SIGNATURE Amanda E. Ramos

DIP C  
\$

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/757,320	01/14/2004	Dominic Cerrato	0081-001 (c)

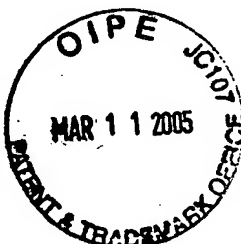
CONFIRMATION NO. 3515

ABANDONMENT/TERMINATION  
LETTER

\*OC000000014954207\*

Date Mailed: 01/13/2005

Robert G. Lev  
4766 Michigan Boulevard  
Youngstown, OH 44505



## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/19/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,320	01/14/2004	Dominic Cerrato	0081-001 (c)

Robert G. Lev  
 4766 Michigan Boulevard  
 Youngstown, OH 44505

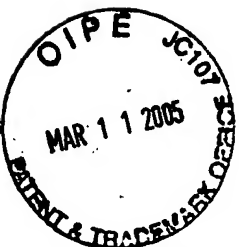
CONFIRMATION NO. 3515

## FORMALITIES LETTER



\*OC000000012392577\*

Date Mailed: 04/19/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 15, 19d, 27.
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 17a, 17b, 17c, 18c.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

BEST AVAILABLE COPY

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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